

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.	
	:		
v.	:	DATE FILED:	
	:		
TERRY SCRUGGS	:	VIOLATIONS:	21 U.S.C. § 841(a)(1) (possession with intent to distribute cocaine - 1 count) 21 U.S.C. § 841(a)(1) (possession with intent to distribute cocaine base (“crack”) - 1 count) Notice of additional factors Notices of forfeiture Notice of prior convictions

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 8, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

TERRY SCRUGGS

did knowingly and intentionally possess with the intent to distribute more than 5 kilograms, that is
approximately 35 kilograms, of a mixture or substance containing a detectable amount of cocaine, a
Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 8, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

TERRY SCRUGGS

did knowingly and intentionally possess with the intent to distribute more than 50 grams, that is approximately 282 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment,
defendant

TERRY SCRUGGS

- a. Committed an offense and relevant conduct involving more than 20 grams but less than 35 grams of cocaine base, as described in U.S.S.G. § 2D1.1(c)(6).
- b. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).
- c. Used and possessed a firearm and ammunition in connection with another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).
- d. Used and possessed a firearm and ammunition in connection with the commission and attempted commission of another offense, as described in U.S.S.G. § 2K2.1(c)(1).
- e. Committed the instant offense while under a criminal justice sentence, that is, parole, as defined by U.S.S.G. § 4A1.1(d).
- f. Committed the instant offense less than two years after release from imprisonment on a sentence of imprisonment exceeding one year and one month, as defined by U.S.S.G. § 4A1.1 (a) and (e).
- g. Committed the instant offense less than two years after release

from imprisonment on a sentence of imprisonment of at least sixty days, as defined by U.S.S.G. § 4A1.1(b) and (e).

- h. Was a career offender, as defined by U.S.S.G. § 4B1.1.

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count Two of this indictment,
defendant

TERRY SCRUGGS

- a. Committed an offense and relevant conduct involving more than 20 grams but less than 35 grams of cocaine base, as described in U.S.S.G. § 2D1.1(c)(6).
- b. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).
- c. Used and possessed a firearm and ammunition in connection with another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).
- d. Used and possessed a firearm and ammunition in connection with the commission and attempted commission of another offense, as described in U.S.S.G. § 2K2.1(c)(1).
- e. Committed the instant offense while under a criminal justice sentence, that is, parole, as defined by U.S.S.G. § 4A1.1(d).
- f. Committed the instant offense less than two years after release from imprisonment on a sentence of imprisonment exceeding one year and one month, as defined by U.S.S.G. § 4A1.1 (a) and (e).
- g. Committed the instant offense less than two years after release

from imprisonment on a sentence of imprisonment of at least sixty days, as defined by U.S.S.G. § 4A1.1(b) and (e).

- h. Was a career offender, as defined by U.S.S.G. § 4B1.1.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violation of Title 21, United States Code, Section 841(a)(1) set forth in Counts One and Two of this indictment, the defendant

TERRY SCRUGGS

shall forfeit to the United States under Title 21, United States Code, Section 853:

(a) any property used, in any manner or part, to facilitate the commission of, the violation of Title 21, United States Code as charged in this Indictment, including but not limited to: a Sturm, Ruger & Co, Model P95DC, 9mm Luger, semi-automatic pistol, serial number scratched off, loaded with nine rounds in the magazine and one in the chamber, a Browning Arms Co. Model HI Power, 9 mm Luger, semi-automatic pistol, serial number 25PM05252, loaded with fourteen rounds in the magazine and one in the chamber and an Arsenal, Model SLR-95, semi-automatic rifle, serial number BA361326.

(b) any and all real and/or personal property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violation of Title 21, United States Code as charged in this Indictment, including but not limited to \$37,660.00 in United States currency.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF PRIOR CONVICTIONS

THE GRAND JURY FURTHER CHARGES THAT:

Defendant TERRY SCRUGGS committed the drug offense charged in this indictment after having been convicted in a court of the United States of felony drug trafficking offenses as follow:

1. Possession with intent to distribute a controlled substance - Philadelphia Court of Common Pleas; CP #9410-0641.
2. Possession with intent to distribute a controlled substance - Philadelphia Court of Common Pleas; CP #9906-0145.

_____A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney
